

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE BRANCH OF CITIBANK, N.A.  
ESTABLISHED IN THE REPUBLIC  
OF ARGENTINA,

Petitioner,

-against-

ALEJANDRO DE NEVARES,

Respondent.

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/31/2021**

No. 21-cv-6125

**TEMPORARY  
RESTRAINING ORDER**

**VICTOR MARRERO, U.S.D.J.:**

The Court, having reviewed and considered the application of the Petitioner, The branch of Citibank, N.A. established in the Republic of Argentina ("Citibank Argentina"), for a Temporary Restraining Order ("TRO") and Preliminary Injunction, and having heard oral argument on that motion on Friday, July 23, 2021, and having directed the parties to attempt to agree on a standstill agreement on their own accord by Friday, July 30, 2021, has now been informed that the parties that they were unable to reach such an agreement. Upon review of the foregoing materials and each parties' submission with respect to the contemplated TRO, (Dkt. Nos. 19, 20), the Court is persuaded that (1) arguments that Citibank Argentina and Citibank N.A. are the same legal entity are

not likely to be successful and (2) any dispute between Citibank Argentina and De Nevares should proceed in arbitration in accordance with the parties' agreement. For those reasons, and because there is no demonstrated prejudice to De Nevares if he is ultimately successful in defeating the motion for a preliminary injunction, (see Dkt. No. 20 at 2), the Court concludes that a temporary restraining order is warranted.

Accordingly, the Court hereby **ORDERS** as follows:

1. Pending the hearing and determination of Petitioner's motion for a preliminary injunction, Respondent Alejandro De Nevares ("De Nevares"), together with his officers, agents, servants, employees, and attorneys, and any individual or entity claiming rights in the judgment rendered in favor of De Nevares in a proceeding in the courts of Argentina entitled DE NEVARES ALEJANDRO C/ CITIBANK N.A. s/ DESPIDO (File No. 45931/09) (the "Judgment") by, through or under De Nevares, and all persons who receive actual notice of this Order and are in active concert or participation with De Nevares or other individual or entity listed herein, are temporarily RESTRAINED AND ENJOINED from enforcing, or attempting to enforce, the Judgment against Citibank Argentina or any of its assets. The foregoing restraint includes, without

limitation, any effort to enforce the Judgment against Citibank Argentina or any of its assets based on the claim that Citibank Argentina and Citibank N.A. are not separate entities for such purposes. The foregoing restraint does not include any effort to enforce the Judgment against Citibank N.A. directly. Out of an abundance of caution, the Court notes that this Order assumes, without yet deciding, that Citibank N.A. and Citibank Argentina are separate legal entities and directs the parties to comply with the Order's terms notwithstanding arguments otherwise; and it is further

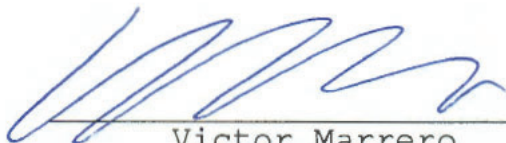
**ORDERED** that this temporary restraining order is granted without security; and it is further

**ORDERED** that papers in opposition to petitioner's application for a preliminary injunction be served on petitioner's counsel (by ECF, email, or otherwise) so as to be received by them on or before 5:00 p.m. Eastern Standard Time on August 16, 2021, and that reply papers in further support of petitioner's application be served on respondent's counsel so as to be received by them (by ECF, email, or otherwise) on or before 5:00 p.m. on August 23, 2021, subject to any further correspondence concerning these deadlines from the parties; and it is further

**ORDERED** that oral argument on Citibank Argentina's application for a preliminary injunction, if any, shall take place at such date and time as the Court may fix in its discretion.

**SO ORDERED:**

Dated: 31 July 2021  
New York, New York

  
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Victor Marrero  
U.S.D.J.